

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejection of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-13 are pending. Claims 1, 6, and 10, which are independent, are hereby amended. Support for this amendment is provided throughout the Specification, specifically at page 13.

No new matter has been introduced. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §102(e) and §103(a)**

Claims 1, 5-6, 9-10, and 13 were rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Publication No. 2004/0081437 to Asada et al. (hereinafter, merely "Asada").

Claims 3, 4, 8, and 12 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Asada and further in view of U.S. Publication No. 2003/0107657 to Shioji et al. (hereinafter, merely "Shioji").

Claims 2, 7, and 11 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Asada and further in view of U.S. Patent No. 4,472, 803 to Iijima et al. (hereinafter, merely "Iijima").

### III. RESPONSE TO REJECTIONS

Claim 1 recites, *inter alia*:

"A shot-image-recording system comprising:

...wherein said shooting device comprises:

**...frame-addition-processing means for adding...a validity signal indicating a frame of the first image signal having the variable frame rate in said second image signal having the output frame rate;**

...wherein the signal-recording device comprises:

**...storage control means for selecting an image signal of the image having the variable frame rate from among the second image signal having the output frame rate on the basis of said validity signal and storing it in the storage means;**

**...recording control means for recording the second image signal stored in the storage means in the recording medium intermittently at a predetermined recording frame rate in accordance with a signal quantity of the second image signal stored in the storage means"** (Emphasis added)

As understood by Applicants, Asada relates to a video signal producing system including an imaging device for obtaining progressive imaging signals having various frame frames and a recording device for recording an output signal of the image device and a reproduction device for reproducing a recording signal obtained from the recording device.

As understood by Applicants, Shioji relates to a digital camera including a CCD imager. When an interval photographing or an animation photographing is selected, an object is

photographed by the CCD imager for a plurality of times, and compressed image data is generated by each photographing.

As understood by Applicants, Iijima relates to a digital transmitting system wherein signal information is transmitted from a transmission buffer memory device to a receiving buffer memory device through a transmission line extending thereby between.

The Office Action (see pages 2-3) relies on Figure 1 and paragraphs [0067]-[0068] of Asada to reject the above identified features of claim 1. Applicants respectfully submit that Asada fails to teach or suggest “frame-addition-processing means for adding...a validity signal indicating a frame of the first image signal having the variable frame rate in said second image signal having the output frame rate” and “storage control means for selecting an image signal of the image having the variable frame rate from among the second image signal having the output frame rate on the basis of said validity signal and storing it in the storage means” and “recording control means for recording the second image signal stored in the storage means in the recording medium intermittently at a predetermined recording frame rate in accordance with a signal quantity of the second image signal stored in the storage means”, all as recited in claim 1 (emphasis added).

Indeed, Applicants submit that using the same frame rate, as disclosed in Asada does not describe the validity signal as claimed in the present invention. Specifically, Asada describes that an identical signal is output in three frames at 60 Hz. A frame rate conversion is performed by performing write and read in the two frame memories alternatively. (See Asada, paragraph [0067].)

Thus, Applicants submit that the frame rate conversion of Asada is different than a validity signal as claimed in claim 1. Furthermore, the other above-cited features of claim 1

(i.e., 1. selecting an image signal of the image having the variable frame rate from among the second image signal having the output frame rate on the basis of said validity signal and 2. recording the second image signal stored in the storage means in the recording medium intermittently at a predetermined recording frame rate in accordance with a signal quantity of the second image signal stored in the storage means) are also not disclosed or suggested in the prior art used as a basis of rejection.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, independent claims 6 and 10 are also patentable.

#### **IV. DEPENDENT CLAIMS**

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

#### **CONCLUSION**

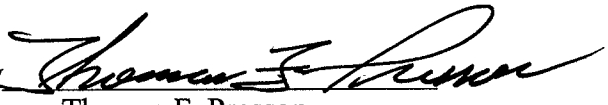
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference or references providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that claim 4 is patentable and Applicant respectfully requests early passage to issue of the present application.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicants

By   
Thomas F. Presson  
Reg. No. 41,442  
(212) 588-0800